IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

WP(C).No. 31215 of 2006(N)

PETITIONER:

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1. P.MARIMUTHU, S/O.PALANI CHAMY,
   WORKER, PACKETING CENTRE, TATA TEA LTD.,
   PALLIVASAL, MUNNAR, DISTRICT IDUKKI.

2. R.MURUKESAN, S/O.RASIAH,
   WORKER, PACKETING CENTRE, TATA TEA LTD.,
   PALLIVASAL, MUNNAR, DISTRICT IDUKKI.

3. M.SIVA KUMAR, S/O.MUTHU CHAMY,
   WORKER, PACKETING CENTRE, TATA TEA LTD.,
   PALLIVASAL, MUNNAR, DISTRICT IDUKKI.

4. R.VEL MURUGAN, S/O.RAJ,
   WORKER, PACKETING CENTRE, TATA TEA LTD.,
   PALLIVASAL, MUNNAR, DISTRICT IDUKKI.

5. KALI MUTHU, S/O.S.PAMPAYAN,
   WORKER, PACKETING CENTRE, TATA TEA LTD.,
   PALLIVASAL, MUNNAR, DISTRICT IDUKKI.

6. A.SHANMUGA NATHAN, S/O.A.A.NATARAJAN,
   WORKER, PACKETING CENTRE, TATA TEA LTD.,
   PALLIVASAL, MUNNAR, DISTRICT IDUKKI.

7. C.RAMAR, S/O.CHALLIAN,
   WORKER, PACKETING CENTRE, TATA TEA LTD.,
   PALLIVASAL, MUNNAR, DISTRICT IDUKKI.

8. JANEEV M.NATARAJAN, S/O.M.NATARAJAN,
   STAFF OPERATOR, TATA TEA LTD.,
   PALLIVASAL, MUNNAR, DISTRICT IDUKKI.

9. BIJU K.GEORGE,
   S/O.GEORGE, OPERATOR, TATA TEA LTD.,
   PALLIVASAL, MUNNAR, DISTRICT IDUKKI.

BY ADV. SRI.K.REGHU KOTTAPPURAM
SMT.URSULA FRANCIS

RESPONDENTS:
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1. THE DISTRICT LABOUR OFFICER,
   IDUKKI DISTRICT,
   THODUPUZHA.

2. THE DEPUTY LABOUR OFFICER,
   MUNNAR, DISTRICT IDUKKI.

3. THE MANAGING DIRECTOR,
   TATA TEA LTD.,
   CALCUTTA.

4. THE MANAGER,
   PACKETING CENTRE,
   TATA TEA LTD., PALLIVASAL,
   DEVIKULAM TALUK, DISTRICT IDUKKI.

5. THE SECRETARY,
   CITU, MUNNAR.

6. THE SECRETARY (AITUC),
   MUNNAR.

7. THE SECRETARY,
   I.N.T.U.C., MUNNAR.

R5 BY ADV. SRI.K.BALACHANDRAN (MANGALATH)
SRI.RAJESH NAIR
R3, R4 SRI.A.M.SHAFFIQUE
SRI.A.K.JAYASANKAR NAMBIAR
SRI.E.K.NANDAKUMAR
SRI.P.BENNY THOMAS
SMT.A.K.PREETHA
SMT.BINDHYA JOSE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC.31215/06

PETIITONER'S EXHIBITS:

EXT.P1: A TRUE COPY OF THE STATEMENT OF AUDITED FINANCIAL RSULTS FOR THE YEAR ENDED MARCH 31ST 2006 ISSUED BY TATA TEA LTD.

EXT.P2: A TRUE COPY OF LETTER DATED 2.2.05 ISSUED BY MASS OF WORKERS TO THE 4TH RESPONDENT.

EXT.P3: A TRUE COPY OF REPRESENTATION DATED 12.10.06 SENT TO THE 3RD RESPONDENT BY MASS OF WORKER.

EXT.P4: A TRUE COPY OF REPRESENTATION DATED 16.11.06 SENT TO THE 3RD RESPONDENT.

EXT.P5: A TRUE COPY OF PETITION DATED 18.11.06 SENT TO THE 2ND RESPONDENT BY THE PETITIONERS.

EXT.P6: A TRUE COPY OF DISPUTE DATED 18.11.06 SENT BY THE PETIITONER'S TO THE 1ST RESPONDENT.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.31215 OF 2006

Dated this the 1st day of February, 2007

JUDGMENT

The petitioners made Ext.P6 before the first respondent seeking conciliation of certain disputes. It is the specific case of the management that no such dispute exists, particularly because all disputes between the management and the employees, as are stated in Ext.P6, are resolved between the workmen and the management and therefore, there is no jurisdictional fact on the basis of which conciliation could be initiated by the statutory officer. It is also submitted that Ext.P2 is relevant in the matter.

2. In the aforesaid circumstance, this writ petition is disposed of directing that the competent among the respondents will take up Ext.P6, address on the aforesaid issue first and then decide as to whether conciliation should be called up. The petitioners represented by the first petitioner and the management will be given an opportunity of pre-decisional hearing. Let the needful

be done within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of with the above direction.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.